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*Attorneys for Defendant
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DVL, INC. and DVL KEARNY
HOLDINGS, LLC,

Plaintiffs,

v.

CONGOLEUM CORPORATION and
BATH IRON WORKS CORPORATION,

Defendants.

Civil Action No. 17-4261 (KM) (JBC)

**NOTICE OF BATH IRON WORKS
CORPORATION'S MOTION TO DISMISS
PLAINTIFFS' AMENDED COMPLAINT
AND DEFENDANT CONGOLEUM
CORPORATION'S CROSS-CLAIM**

COUNSEL:

PLEASE TAKE NOTICE that on Monday, February 5, 2018, at 9:30 a.m. or as soon thereafter as counsel may be heard, defendant Bath Iron Works Corporation ("BIW"), by and through its undersigned counsel, will move before the Honorable Kevin McNulty, U.S.D.J., for entry of an order pursuant to Fed. R. Civ. P. 12(b)(6) dismissing with prejudice plaintiffs' Amended Complaint against BIW and defendant Congoleum Corporation's Cross-Claim against BIW for failure to state a claim on which relief may be granted. BIW requests oral argument.

PLEASE TAKE FURTHER NOTICE that in support of its motion, BIW will rely on the Memorandum of Law and Appendix submitted herewith. A proposed form of Order is also submitted.

Dated: December 5, 2017

s/ Thomas R. Curtin
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